

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 15, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALFREDO CRUZ ESQUIVEL, as an
individual; and DONALD DAVID
WILLARD, as an individual,
Plaintiffs,
v.
THE UNITED STATES OF
AMERICA, acting through its agent
BUREAU OF LAND
MANAGEMENT; ARMANDO
FONSECA, an individual, in both his
personal and representative capacities;
and TOM DOE, a BUREAU OF
LAND MANAGEMENT
EMPLOYEE OR CONTRACTOR, in
both his personal and representative
capacities,
Defendants.

No. 2:18-CV-00148-SAB

**ORDER GRANTING STIPULATED
MOTION TO FILE SECOND
AMENDED COMPLAINT,
DISMISS CIVIL RIGHTS CLAIMS,
AND ENTER FINAL ORDER OF
DISMISSAL**

**ORDER GRANTING STIPULATED MOTION TO FILE SECOND
AMENDED COMPLAINT, DISMISS CIVIL RIGHTS CLAIMS, AND
ENTER FINAL ORDER OF DISMISSAL * 1**

1 Before the Court is the parties' Stipulated Motion to: 1) File Second
2 Amended Complaint (SAC); 2) Grant United States' Motion to Dismiss Civil
3 Rights Claims; and 3) Enter Final Order of Dismissal, ECF No. 59. The parties
4 stipulate and agree to Plaintiffs' filing a Second Amended Complaint to address
5 standing issues raised in the United States' Motion to Dismiss Civil Rights claims,
6 ECF No. 54. The parties stipulate and agree that, after the Second Amended
7 Complaint has been accepted for filing, the Court may enter an Order granting the
8 United States Motion to Dismiss Plaintiff's Civil Rights Claims, ECF No. 54. The
9 parties also stipulate and agree that this case should be dismissed in its entirety,
10 with final judgment in favor of the United States.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. The parties' Stipulated Motion to: 1) File Second Amended Complaint
13 (SAC); 2) Grant United States' Motion to Dismiss Civil Rights Claims; and 3)
14 Enter Final Order of Dismissal, ECF No. 59, is **GRANTED**.

15 2. Per ECF No. 56, Defendants' Motion to Dismiss Civil Rights Claims,
16 ECF No. 54, is **dismissed as moot**.

17 3. This case is **dismissed**. The District Court Clerk shall enter judgment in
18 favor of the United States.

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28 **ORDER GRANTING STIPULATED MOTION TO FILE SECOND
AMENDED COMPLAINT, DISMISS CIVIL RIGHTS CLAIMS, AND
ENTER FINAL ORDER OF DISMISSAL * 2**

1 4. Plaintiffs do not waive their appellate rights relative to the Court's prior
2 Orders, including the Court's Order Granting Defendants' Motion to Dismiss
3 Plaintiff's Federal Tort Claims Act claims, ECF No. 49.

4 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
5 this Order, enter judgment in favor of Defendants, provide copies to counsel, and
6 **close** the file.

7 **DATED** this 15th day of September 2020.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

13 Stanley A. Bastian
14 Chief United States District Judge
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28 **ORDER GRANTING STIPULATED MOTION TO FILE SECOND
AMENDED COMPLAINT, DISMISS CIVIL RIGHTS CLAIMS, AND
ENTER FINAL ORDER OF DISMISSAL * 3**